

# Notice of Allowability

Application No.

09/638,463

Examiner

Michael J. Moore, Jr.

Applicant(s)

FORSSELL ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/16/2004.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 16 July 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/25/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Brown (Reg. No. 51,091) on 10/25/2004.

The application has been amended as follows:

Claim **13** is cancelled.

In claim **9**, on line 5, replace the word "observed" with the word --observe--.

In the abstract, on line 6, place the words --end user-- before the word "data".

Also, on line 7, place the words --end user-- before the word "data".

### ***Allowable Subject Matter***

2. Claims **1-12** are allowed.

3. The following is an examiner's statement of reasons for allowance:

Regarding claim **1**, the prior art of record teaches a method of transmitting data in a packet radio network to a mobile station performing a routing area update where a mobile station sends a routing area update message to a support node (SGSN) upon a relocation of the mobile station. The prior art of record fails to teach the delaying of data transmission from the second SGSN to the mobile station until after the context data of the mobile station has most likely been sent from the first SGSN and received successfully by the second SGSN.

Regarding claims **2-8**, these claims are further limiting to claim **1** and are thus also allowable over the prior art of record.

Regarding claim **9**, the prior art of record teaches a support node (SGSN) in a packet radio network that is arranged to support data transmission to a mobile station (MS) that is performing a routing area update. The prior art of record fails to teach the delaying of data transmission from the second SGSN to the mobile station until after the context data of the mobile station has most likely been received by the second SGSN.

Regarding claim **10**, the prior art of record teaches a method of transmitting data in a packet radio network to a mobile station performing a routing area update where a mobile station sends a routing area update message to a support node (SGSN) upon a relocation of the mobile station. The prior art of record fails to teach the delaying of data transmission from the second SGSN to the mobile station until after the context data of the mobile station has been sent from the first SGSN and received successfully by the second SGSN.

Regarding claim **11**, the prior art of record teaches a support node (SGSN) in a packet radio network that is arranged to support data transmission to a mobile station (MS) that is performing a routing area update. The prior art of record fails to teach the delaying of data transmission from the second SGSN to the mobile station until after the context data of the mobile station has been successfully received by the second SGSN.

Regarding claim **12**, the prior art of record teaches a method of transmitting data in a packet radio network to a mobile station performing a routing area update where a mobile station sends a routing area update message to a support node (SGSN) upon a

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relocation of the mobile station. The prior art of record fails to teach the delaying of data transmission from the second SGSN to the mobile station until after the context data of the mobile station has been sent from the first SGSN and received successfully by the second SGSN.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's amendments to claims **1, 3-6, 8, and 9** to overcome rejection under 35 U.S.C. § 112 2<sup>nd</sup> paragraph are proper. These rejections have been withdrawn.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Josse et al. (U.S. 6,104,929) teaches an Inter SGSN routing area update procedure shown in Figure 4A that shows the forwarding of packets from the old SGSN to the new SGSN after the SGSN context response is received by the new SGSN. Josse et al. fails to teach the delaying of data transmission from the second SGSN to the mobile station until after the context data of the mobile station has been sent from the first SGSN and received successfully by the second SGSN.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571)

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272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Moore, Jr.  
Examiner  
Art Unit 2666

mjm MM



**FRANK DUONG**  
**PRIMARY EXAMINER**